

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES KNIGHT,

Plaintiff,

-against-

NATIONAL DEBT COLLECTORS, INC.,

Defendant.

ALVIN K. HELLERSTEIN, U.S.D.J.:

X
:
:
: **ORDER FINDING**
: **DEFENDANT IN**
: **DEFAULT**

07 Civ. 5989 (AKH)

X

This case involves a putative class action claim of a violation of the Fair Debt Collection Practices Act (“FDCPA”), codified at 15 U.S.C. §§ 1692 et seq. The parties entered into a civil case management plan on October 12, 2007. On October 16, 2007, plaintiff James Knight filed a motion for judgment on the pleadings, pursuant to Fed. R. Civ. P. Rule 12(c), against defendant National Debt Collectors, Inc. On November 30, 2007, defendant’s president, Anthony M. Wilger, faxed a letter to this Court, requesting an extension of time to respond to the pending motion and plaintiff’s discovery requests. The letter indicated that defendant was not currently represented by an attorney. On December 3, 2007, I denied the request for the extension and ordered defendant to retain a licensed attorney admitted to practice before the Court. Since then, neither plaintiff nor the Court has received any correspondence from defendant, and phone calls to the last known number indicate that the number has been disconnected. Defendant has failed to either oppose the motion or file an answer to the Complaint. Accordingly, I find that defendant is in default, pursuant to Fed. R. Civ. P. Rule 55(a).

The following relief is granted: 1) The debt is cancelled; 2) There being no damages proven, no compensatory damages will be awarded, and 3) defendant is ordered to pay

plaintiff \$1,000 in statutory damages, pursuant to 15 U.S.C. § 1692k(a)(2)(A). Since plaintiff's case has now been resolved, all class allegations are stricken. Should plaintiff seek attorney's fees, he is directed to provide the Court with the number of hours and rate for the work performed, pursuant to 15 U.S.C. § 1692k(a)(3), by July 31, 2008. The Clerk shall mark the case closed.

SO ORDERED.

Dated: July 9, 2008
New York, New York



ALVIN K. HELLERSTEIN
United States District Judge